

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESSE GREEN,

Defendant.  
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CASE NO. 4:04CR00043-001

ORDER [Resolving Docs. 45, 51  
and 53]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

This case is before the Court on the petition of the United States Probation Department filed March 15, 2007 [Doc. 45] alleging violations of the conditions of defendant's supervised release. Additionally the Court has before it defendant's motion for release from custody filed on March 26, 2007 [Doc. 53].

This case was referred to Magistrate Judge George J. Limbert to conduct proceedings with regard to the supervised release violation petition and a hearing was conducted on March 20, 2007, with all parties present and represented by counsel. Magistrate Judge Limbert filed a Report and Recommendation March 21, 2007 [Doc. 51]. The Magistrate Judge recommended that this Court find that the violations as alleged in the petition were not proven by plaintiff by a preponderance of the evidence and thus defendant had not violated the conditions of his supervised release. The Court has been advised by Assistant United States Attorney Duane Deskins that no objection to the Report

and Recommendation will be filed.

The Court adopts in full the Report and Recommendation of Magistrate Judge Limbert and grants defendant's motion for release from custody. Defendant's term of supervised release shall continue as previously imposed.

IT IS SO ORDERED.

Dated: March 27, 2007

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE